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10 Attorneys for Plaintiff
11 FITNESS ANYWHERE, LLC

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14
15 FITNESS ANYWHERE, LLC,

Case No. 5:14-cv-01725 BLF

16 Plaintiff,

**DECLARATION IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

17 v.

18 WOSS ENTERPRISES, LLC,

19 Defendant.

20
21 I, Heather Sager, declare and state as follows:

22 1. I am an attorney with the law firm of Vedder Price (CA), LLP, counsel of record
23 for the above-captioned Plaintiff. I am licensed to practice in the State of California. The
24 following facts are of my personal knowledge and, if called as a witness, I could and would
25 testify competently thereto.

26 2. I make this declaration in support of Plaintiff's Administrative Motion to File
27 Under Seal.

28 3. A Protective Order was entered in this case on August 19, 2015. (ECF No. 87.)

DEC ISO PL'S ADMIN MTN. TO FILE
UNDER SEAL
[CASE NO. 5:14-CV-01725 BLF]

4. Pursuant to the Protective Order, Defendant WOSS Enterprises, LLC. (“WOSS”) designated Exhibit 14 to the Deposition of Steve Storum, taken on September 23, 2015, as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

5. The portion of Plaintiff's Motion for Preliminary Injunction which TRX seeks to file under seal contains sales information taken from Exhibit 14 to the Deposition of Steve Storum.

6. In order to protect the highly confidential nature of these documents and information and to honor the Protective Order between the Parties, I respectfully submit that good cause exists for the Court to grant Plaintiff's Administrative Motion to File Under Seal a portion of Plaintiff's Motion for Preliminary Injunction and Exhibit 14 to the Deposition of Steve Storum, and respectfully request the Court to enter an order to that effect.

7. Counsel for Defendant has been consulted regarding this request and has no objection. A true and correct copy of Defense Counsel's e-mail correspondence confirming same is attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 25, 2016

VEDDER PRICE (CA), LLP

By:/s/ Heather M. Sager
Heather M. Sager

Attorneys for Plaintiff
FITNESS ANYWHERE, LLC

EXHIBIT 1

Porras, Jessica E.

From: Villeneuve, Alain
Sent: Monday, January 25, 2016 11:09 AM
To: Burke, John K.
Subject: FW: Protected Documents

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Alain Villeneuve

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From: Michael Brucker [<mailto:michael@hmblawoffice.com>]

Sent: Monday, January 25, 2016 11:54 AM

To: Villeneuve, Alain

Cc: Waters, Michael J.; Steve Kipperman

Subject: Protected Documents

Alain

Regarding the issue you have raised regarding sealing of WOSS' Protected Documents, the following is WOSS' position.

1. Under no circumstances does WOSS consent to having any of its Protected Material (documents labeled "ATTORNEY'S EYES ONLY") spread on the public record.
2. Whether or not TRX can file such documents under seal is a matter for the court to decide based on the procedures set forth in Civ LR 79-5.
3. While WOSS' consent to having such documents filed under seal seems to be irrelevant, if the choice is between having them spread on the public record or sealed WOSS will argue that they be sealed or that if not filed under seal WOSS would agree they may be presented to the court in camera
4. I request that you attach this document to any motion to seal you may submit. .

Let me suggest a possible alternative. If you will inform me of what documents you want to file and for what purpose, and draft a stipulation that would serve your purpose without revealing the Protected Material, I will give the stipulation serious consideration, provided you understand that I make no advance promise that any stipulation you chose to offer will be acceptable or that a stipulation in place of the documents is even possible.

Michael

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